

# Exhibit 8

**Exhibit 8**

**MORRISON | FOERSTER**

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BEIJING, SHANGHAI, HONG KONG

November 22, 2011

Writer's Direct Contact  
415.268.6709  
JMalinsky@mofo.com

**By Overnight Mail**

USCIS FOIA/PA Appeals Office  
150 Space Center Loop, Suite 500  
Lee's Summit, MO 64064-2139

Re: Freedom on Information Act Appeal — Request No. **COW2011000600**

Dear Ms. Jill A. Eggleston:

This letter constitutes an appeal of USCIS's September 26, 2011 decision, attached as Exhibit A, to withhold the entire "USCIS International Operations Year End Report FY 2010" ("Report") pursuant to 5 U.S.C. § 552(b)(5) ("Exemption 5").<sup>1</sup>

The Report was produced in response to an August 12, 2011 agreement, attached as Exhibit C, between USCIS and the Iraqi Refugee Assistance Project ("IRAP"). Under the agreement, USCIS agreed to produce sample documents for IRAP's consideration in determining whether to narrow its July 15, 2011 FOIA request, attached as Exhibit D.

With this appeal, IRAP requests USCIS to disclose the withheld Report in its entirety. In the alternative, IRAP requests USCIS to release "reasonably segregable" non-exempt portions of the Report. 5 U.S.C. § 552(b).

**(1) USCIS's Vague and Conclusory Assertion of Exemption 5 Runs Contrary to FOIA's Central Purpose to Promote Government Transparency.**

The Report at issue has been withheld with no explanation other than stating that one or several privileges under Exemption 5 "may" apply.<sup>2</sup> It remains unclear which, if any, privilege/s actually do apply. Such vague language cripples IRAP's ability to advocate for the disclosure of the Report. Without knowing USCIS's reasoning, IRAP cannot know whether the exemption is justified or whether the Report's disclosure was even given

<sup>1</sup> IRAP did not receive your September 26, 2011 letter until October 20, 2011. IRAP determined through communications with USCIS FOIA Operations employee Eliot Viker that USCIS inexplicably failed several times to mail out the sample records. These email communications are attached as Exhibit B.

<sup>2</sup> You state that "[t]he types of documents and/or information that we have withheld under this exemption *may* consist of documents containing predecisional information, documents or other memoranda prepared in contemplation of litigation, or confidential communications between attorney and client." (Emphasis added.)  
sf-3072273

FOIA Appeal — Request No. COW2011000600  
Page Two

adequate consideration. Such vague and conclusory assertions are contrary to FOIA's purpose to promote open government and conflict with the Court's narrow construction of FOIA's exemptions in support of this policy. *U.S. Dep't of Justice v. Julian*, 486 U.S. 1, 8 (1988) (FOIA's mandate calls for broad disclosure of government records and thus its exemptions "are to be narrowly interpreted."); *Assembly of State of Cal. v. U.S. Dept. of Commerce*, 968 F.2d 916, 920 (9th Cir. 1992); see Memorandum for United States Attorney General Eric Holder to Heads of Executive Departments and Agencies (March 19, 2009) ("Holder Memo") ("An agency should not withhold records merely because it can demonstrate, as a technical matter, that the records fall within the scope of a FOIA exemption.").

Accordingly, IRAP requests that USCIS disclose the Report in full.

**(2) At a Minimum, USCIS Should Release All Non-Exempt Segregable Portions of the Report.**

Much like the conclusory Exemption 5 assertion, USCIS's statement that the Report "contain[s] no reasonably segregable portion(s) of non-exempt information" provides no evidence that USCIS met its burden to prove that this statement is in fact true. 5 U.S.C. § 552(a)(4)(B); see *Davin v. U.S. Dept. of Justice*, 60 F.3d 1043, 1052 (3rd Cir. 1995) (concluding that the FBI's "statements regarding segregability are wholly conclusory, providing no information that would enable [the requester] to evaluate the FBI's decisions to withhold"); *Rugiero v. U.S. Dep't of Justice*, 257 F.3d 534, 553 (6th Cir. 2001) (finding inadequate the government's conclusory explanation that documents contained no segregable material); see *Wightman v. Bureau of Alcohol, Tobacco & Firearms*, 755 F.2d 979, 983 (1st Cir. 1985) (holding that "the process of segregation" for 36 pages was not unreasonable).

The Report at issue undoubtedly contains raw data and factual assertions that do not fall under any privilege that can be asserted under Exemption 5. In addition, USCIS has publicly disclosed past Annual Reports on its website as well as reports from its International Operations and Refugee Affairs divisions.<sup>3</sup> These reports likely contain content that overlaps with the withheld Report and evidence the fact that at least some of the withheld information is available to the public. Pursuant to 5 U.S.C. 552(b), USCIS must segregate any information that does not fall under any exemption and disclose it. See Mem. from U.S. Atty. Gen. Eric Holder to Heads of Executive Departments and Agencies (Mar. 19, 2009) ("Agencies should always be mindful that the FOIA requires them to take reasonable steps to segregate and release nonexempt information. Even if some parts of a record must be withheld, other parts either may not be covered by a statutory exemption, or may be covered only in a technical sense unrelated to the actual impact of disclosure.").

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<sup>3</sup> See, e.g., USCIS Annual Report for Fiscal Year 2008, available at: <http://www.uscis.gov/USCIS/Resources/Reports/uscis-annual-report-2008.pdf>; see also list of publicly available USCIS reports: <http://www.uscis.gov/USCIS/Resources/Reports/uscis-annual-report-2008.pdf>. sf-3072273

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FOIA Appeal — Request No. COW2011000600  
Page Three

**(3) The Asserted Exemption Goes Against USCIS's Agreement with IRAP to Produce Sample Documents.**

USCIS's withholding of the entirety of the Report contradicts the purpose of IRAP's agreement to review sample documents and consider narrowing its request at USCIS's behest. (*See* Exhibit C.) IRAP cannot reasonably be expected to make any decisions on the scope of its request based on completely redacted documents.

Thus, consistent with FOIA's intent, the Obama Administration's FOIA Guidelines, and the agreement reflected in Exhibit C, USCIS must now disclose the withheld Report. In the alternative, USCIS must disclose all reasonably segregable portions of the Report.

We look forward to your decision on our appeal within twenty (20) business days, as the statute requires. 5 U.S.C. § 552(a)(6)(A)(ii).

Sincerely,

A handwritten signature in black ink that reads "Jason A. Malinsky". The signature is written in a cursive, flowing style.

Jason A. Malinsky  
Attorney for the Iraqi Refugee Assistance Project

# Exhibit A

**Exhibit A**

U.S. Department of Homeland Security  
National Records Center  
P.O. Box 648010  
Lee's Summit, MO 64064-8010

**RECEIVED**

**OCT 20 2011**

MORRISON & FOERSTER



**U.S. Citizenship  
and Immigration  
Services**

September 26, 2011

**COW2011000600**

Jason A. Malinsky  
425 Market Street  
San Francisco, CA 94105-2482

Dear Jason A. Malinsky:

This is in response to your Freedom of Information Act/Privacy Act (FOIA/PA) request received in this office July 22, 2011 regarding the following:

All statistics on overseas adjudications, including requests for review/reconsideration, from the Overseas Tracking System from 2003 to present day, including but not limited to: Data on decisions (e.g. grant v. denial rates) broken down by circuit ride leader, circuit ride, office district, and individual officer; each applicant's country of origin; the ultimate determination (e.g. re-interview v. reversal; grant v. deny); and

All records discussing or analyzing the above-mentioned statistics, including, but not limited to internal memoranda, reports, and emails; The U.S. Citizenship and Immigration Services ("USCIS") quality assurance program review "of a statistically valid sample of refugee cases" conducted in Fiscal Year 2009 as described in Alejandro N. Mayorkas's July 31, 2010 memorandum to January Contreras, a copy of which is attached;

All post-2001 USCIS data on overseas adjudications, including all available data prior to the introduction of the case management system.

Per our conference call on August 12, 2011 USCIS has agreed to a rolling release of records. We are providing the following: Aging Readiness Report, Case Trend Report, G-23.35A Report, Pending – Not Ready Report, Process Time Report, and Workload Report.

We have completed the review of all documents and have identified 48 pages that are responsive to your request. Enclosed are 31 pages released in their entirety. We are withholding 17 pages in full. In our review of these pages, we have determined that they contain no reasonably segregable portion(s) of non-exempt information. We have reviewed and have determined to release all information except those portions that are exempt pursuant to 5 U.S.C. § 552(b)(5) of the FOIA.

The following exemption applies:

COW2011000600

Page 2

Freedom of Information Act U.S.C. § 552 (b)(5)

Exemption (b)(5) provides protection for inter-agency or intra-agency memorandums or letters, which would not be available by law to a party other than an agency in litigation with the agency. The types of documents and/or information that we have withheld under this exemption may consist of documents containing predecisional information, documents or other memoranda prepared in contemplation of litigation, or confidential communications between attorney and client.

You have agreed to identify from these documents specific records or reports that you would like copies of and submit the list to USCIS.

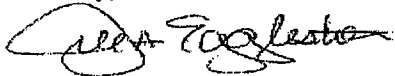
The enclosed record consists of the best reproducible copies available. Certain pages contain marks that appear to be blacked-out information. The black marks were made prior to our receipt of the file and are not information we have withheld under the provisions of the FOIA or PA.

If you wish to appeal this determination, you may write to the USCIS FOIA/PA Appeals Office, 150 Space Center Loop, Suite 500, Lee's Summit, MO 64064-2139, within 60 days of the date of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

The National Records Center does not process petitions, applications or any other type of benefit under the Immigration and Nationality Act. If you have questions or wish to submit documentation relating to a matter pending with the bureau, you must address these issues with your nearest District Office.

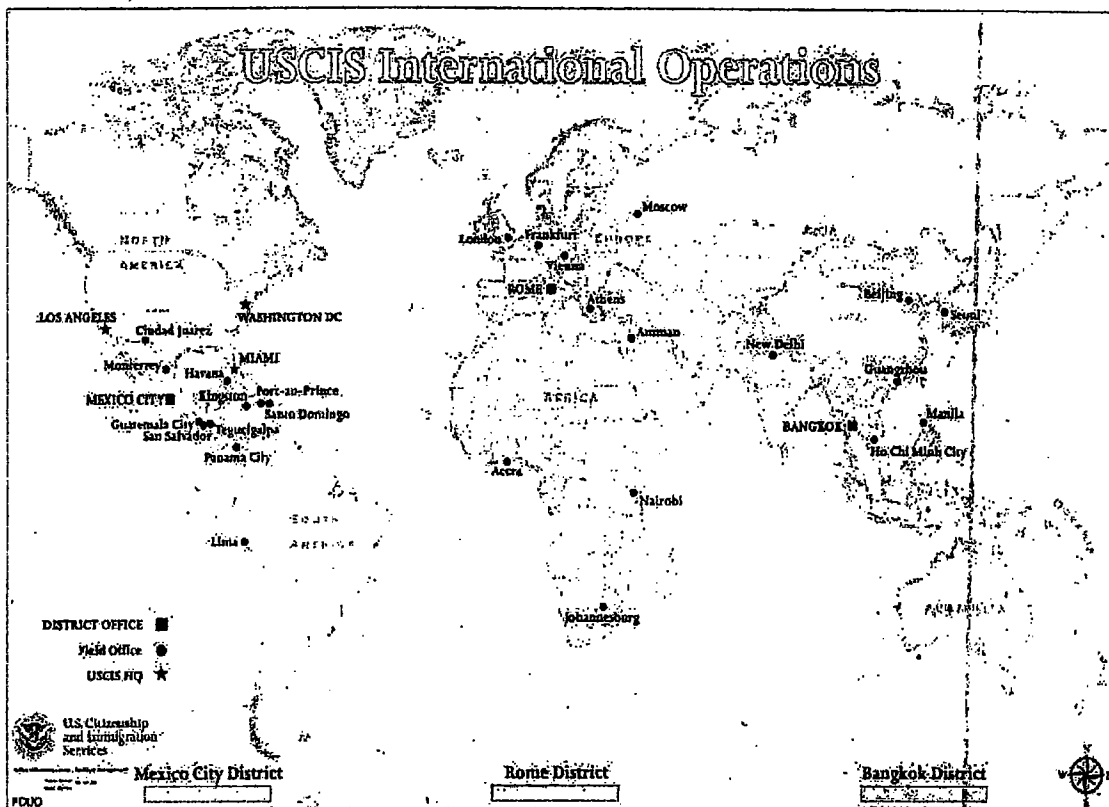
All FOIA/PA related requests, including address changes, must be submitted in writing and be signed by the requester. Please include the control number listed above on all correspondence with this office. Requests may be mailed to the FOIA/PA Officer at the PO Box listed at the top of the letterhead, or sent by fax to (816) 350-5785. You may also submit FOIA/PA related requests to our e-mail address at [uscis.foia@uscis.dhs.gov](mailto:uscis.foia@uscis.dhs.gov).

Sincerely,



Jill A. Eggleston  
Director, FOIA Operations

# USCIS INTERNATIONAL OPERATIONS YEAR END REPORT FY 2010





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## Attachments



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CAMINO Aging Readiness Report																			
SENSITIVE BUT UNCLASSIFIED -- FOUO																			
Filter Applied : Rome District Office I-590 Request for Review																			
Generated By : (Inl Ops HQ) on August 12, 2011 @ 2:28:00 PM EDT																			
I-590 Request for Review																			
IO Office	< 60 Days			60 - 89 Days			90 - 119 Days			120 - 179 Days			>= 180 Days			Total			Total
	Ready	Not Ready	After Decision	Ready	Not Ready	After Decision	Ready	Not Ready	After Decision	Ready	Not Ready	After Decision	Ready	Not Ready	After Decision	Ready	Not Ready	After Decision	
Rome District Office	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Accra	3	0	0	0	0	0	0	0	0	0	0	0	1	0	0	4	0	0	4
Amman	28	0	0	28	0	0	32	0	0	81	0	0	208	1	5	373	1	5	379
Athens	0	0	5	0	0	0	0	0	2	0	0	1	1	0	2	1	0	11	12
Frankfurt	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Johannesburg	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
London	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Moscow	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1
Nairobi	5	1	0	0	0	0	0	0	0	0	0	0	83	0	0	88	1	0	89
Rome (Field Office)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Vienna	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sub Total	35	1	6	26	0	0	32	0	2	81	0	1	293	1	7	467	2	16	485
Grand Totals																			
Grand Total	< 60 Days			60 - 89 Days			90 - 119 Days			120 - 179 Days			>= 180 Days			Total			Total
	Ready	Not Ready	After Decision	Ready	Not Ready	After Decision	Ready	Not Ready	After Decision	Ready	Not Ready	After Decision	Ready	Not Ready	After Decision	Ready	Not Ready	After Decision	
Grand Total	35	1	6	26	0	0	32	0	2	81	0	1	293	1	7	467	2	16	485

CAMINO Case Trend Report									
SENSITIVE BUT UNCLASSIFIED -- FOUO									
Filter Applied : Rome District Office I-590 Request for Review AND Data Starting Oct 1, 2010 Through Dec 31, 2010									
Generated By : (Unit Ops HQ) on August 12, 2011 @ 3:02PM EDT									
Rome District Office									
I-590 Request for Review	Received	Begin Pending	Complete	Oct-10	Nov-10	Dec-10			
				</					

CAMINO G-23, 35A Report - OPERATIVE BUT ENCL ASSIGNED - FODD														
Filter Applied : None, Date Range: Aug 1, 2010 Through Jul 31, 2011														
Generated By : [Unit Off MO] on August 12, 2011 @ 2:42:05 PM EDT														
Line #	Sublocation	Begin Pending	Arrived @ US	Request	Transfer In	Transfer Out	Approved	Graded	Graded as MTR	Sent to AAD/RIA	Inventory/Audit Adj	Total Completions	Approved Rate	End Pending
Line #	Sublocation	Begin Pending	Arrived @ US	Request	Transfer In	Transfer Out	Approved	Graded	Graded as MTR	Sent to AAD/RIA	Inventory/Audit Adj	Total Completions	Approved Rate	End Pending
801A	1-100 (Total)	530	4500	0	1	1	3900	0	0	0	0	4500	97.80%	0
801B	1-100 (Sub)	315	3541	0	1	1	3018	0	0	0	0	3541	98.10%	0
802A	1-100 (Sub)	17	174	0	0	0	157	0	0	0	0	174	97.70%	0
803A	1-100 (Sub)	12	254	0	0	0	242	0	0	0	0	254	95.60%	0
804A	1-100 (Sub)	3	39	0	0	0	36	0	0	0	0	39	97.40%	0
805A	1-100 (Sub)	27	3187	0	0	0	3160	0	0	0	0	3187	97.50%	0
806A	1-100 (Sub)	67	780	0	0	0	713	0	0	0	0	780	91.30%	0
807A	1-100 (Sub)	37	62	0	0	0	25	0	0	0	0	62	40.30%	0
808A	1-100 (Sub)	316	1563	0	0	0	1247	0	0	0	0	1563	39.50%	0
809A	1-100 (Sub)	8	84	0	0	0	76	0	0	0	0	84	90.50%	0
810A	1-100 (Sub)	233	602	0	0	0	369	0	0	0	0	602	61.30%	0
811A	1-100 (Sub)	109	781	0	0	0	672	0	0	0	0	781	86.10%	0
812A	1-100 (Sub)	33	237	0	0	0	204	0	0	0	0	237	86.10%	0
813A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
814A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
815A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
816A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
817A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
818A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
819A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
820A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
821A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
822A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
823A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
824A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
825A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
826A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
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830A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
831A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
832A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
833A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
834A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
835A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
836A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
837A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
838A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
839A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
840A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
841A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
842A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
843A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
844A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
845A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
846A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
847A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
848A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
849A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
850A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
851A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
852A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
853A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
854A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
855A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
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860A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
861A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
862A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
863A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
864A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
865A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
866A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
867A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
868A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
869A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
870A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
871A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
872A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
873A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
874A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
875A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
876A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
877A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
878A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
879A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
880A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
881A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
882A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
883A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
884A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
885A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
886A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
887A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
888A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
889A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
890A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
891A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
892A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
893A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
894A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
895A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
896A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
897A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
898A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
899A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0
900A	1-100 (Sub)	0	0	0	0	0	0	0	0	0	0	0	0	0

<b>CAMINO Pending - Not Ready Report SENSITIVE BUT UNCLASSIFIED – FOUO</b>							
Filter Applied : Rome District Office Office I-590 Request for Review [ All Reasons ]							
Generated By : (Int'l Ops HQ) on August 12, 2011 @ 2:49:32 PM EDT							
I-590 Request for Review Not Ready :		< 60 Days	60 - 89 Days	90 - 119 Days	120 - 179 Days	>= 180 Days	Total
	Rome District Office	0	0	0	0	0	0
	Accra	0	0	0	0	0	0
	Amman	0	0	0	0	0	0
	Athens	0	0	0	0	0	0
	Frankfurt	0	0	0	0	0	0
	Johannesburg	0	0	0	0	0	0
	London	0	0	0	0	0	0
	Moscow	0	0	0	0	0	0
	Nairobi	0	0	0	0	0	0
	Rome (Field Office)	0	0	0	0	0	0
	Vienna	0	0	0	0	0	0
Totals		0	0	0	0	0	0
I-590 Request for Review Not Ready : A-File Request		< 60 Days	60 - 89 Days	90 - 119 Days	120 - 179 Days	>= 180 Days	Total
	Rome District Office	0	0	0	0	0	0
	Accra	0	0	0	0	0	0
	Amman	0	0	0	0	0	0
	Athens	0	0	0	0	0	0
	Frankfurt	0	0	0	0	0	0
	Johannesburg	0	0	0	0	0	0
	London	0	0	0	0	0	0
	Moscow	0	0	0	0	0	0
	Nairobi	0	0	0	0	0	0
	Rome (Field Office)	0	0	0	0	0	0
	Vienna	0	0	0	0	0	0
Totals		0	0	0	0	0	0
I-590 Request for Review Not Ready : Applicant Fingerprint		< 60 Days	60 - 89 Days	90 - 119 Days	120 - 179 Days	>= 180 Days	Total
	Rome District Office	0	0	0	0	0	0
	Accra	0	0	0	0	0	0
	Amman	0	0	0	0	1	1
	Athens	0	0	0	0	0	0
	Frankfurt	0	0	0	0	0	0
	Johannesburg	0	0	0	0	0	0
	London	0	0	0	0	0	0
	Moscow	0	0	0	0	0	0
	Nairobi	1	0	0	0	0	1
	Rome (Field Office)	0	0	0	0	0	0
	Vienna	0	0	0	0	0	0
Totals		1	0	0	0	1	2
I-590 Request for Review Not Ready : Awaiting NOID Rebuttal		< 60 Days	60 - 89 Days	90 - 119 Days	120 - 179 Days	>= 180 Days	Total
	Rome District Office	0	0	0	0	0	0
	Accra	0	0	0	0	0	0
	Amman	0	0	0	0	0	0
	Athens	0	0	0	0	0	0
	Frankfurt	0	0	0	0	0	0



	Johannesburg	0	0	0	0	0	0
	London	0	0	0	0	0	0
	Moscow	0	0	0	0	0	0
	Nairobi	0	0	0	0	0	0
	Rome (Field Office)	0	0	0	0	0	0
	Vienna	0	0	0	0	0	0
<b>Totals</b>		0	0	0	0	0	0
<b>I-590 Request for Review</b>							
<b>Not Ready : Background Check Step Date</b>		<b>&lt; 60 Days</b>	<b>60 - 89 Days</b>	<b>90 - 119 Days</b>	<b>120 - 179 Days</b>	<b>&gt;= 180 Days</b>	<b>Total</b>
	Rome District Office	0	0	0	0	0	0
	Accra	0	0	0	0	0	0
	Amman	0	0	0	0	0	0
	Athens	0	0	0	0	0	0
	Frankfurt	0	0	0	0	0	0
	Johannesburg	0	0	0	0	0	0
	London	0	0	0	0	0	0
	Moscow	0	0	0	0	0	0
	Nairobi	0	0	0	0	0	0
	Rome (Field Office)	0	0	0	0	0	0
	Vienna	0	0	0	0	0	0
<b>Totals</b>		0	0	0	0	0	0
<b>I-590 Request for Review</b>							
<b>Not Ready : DNA Testing</b>		<b>&lt; 60 Days</b>	<b>60 - 89 Days</b>	<b>90 - 119 Days</b>	<b>120 - 179 Days</b>	<b>&gt;= 180 Days</b>	<b>Total</b>
	Rome District Office	0	0	0	0	0	0
	Accra	0	0	0	0	0	0
	Amman	0	0	0	0	0	0
	Athens	0	0	0	0	0	0
	Frankfurt	0	0	0	0	0	0
	Johannesburg	0	0	0	0	0	0
	London	0	0	0	0	0	0
	Moscow	0	0	0	0	0	0
	Nairobi	0	0	0	0	0	0
	Rome (Field Office)	0	0	0	0	0	0
	Vienna	0	0	0	0	0	0
<b>Totals</b>		0	0	0	0	0	0
<b>I-590 Request for Review</b>							
<b>Not Ready : Expired Applicant Background Check</b>		<b>&lt; 60 Days</b>	<b>60 - 89 Days</b>	<b>90 - 119 Days</b>	<b>120 - 179 Days</b>	<b>&gt;= 180 Days</b>	<b>Total</b>
	Rome District Office	0	0	0	0	0	0
	Accra	0	0	0	0	0	0
	Amman	0	0	0	0	0	0
	Athens	0	0	0	0	0	0
	Frankfurt	0	0	0	0	0	0
	Johannesburg	0	0	0	0	0	0
	London	0	0	0	0	0	0
	Moscow	0	0	0	0	0	0
	Nairobi	0	0	0	0	0	0
	Rome (Field Office)	0	0	0	0	0	0
	Vienna	0	0	0	0	0	0
<b>Totals</b>		0	0	0	0	0	0
<b>I-590 Request for Review</b>							
<b>Not Ready : Expired Applicant Fingerprint</b>		<b>&lt; 60 Days</b>	<b>60 - 89 Days</b>	<b>90 - 119 Days</b>	<b>120 - 179 Days</b>	<b>&gt;= 180 Days</b>	<b>Total</b>
	Rome District Office	0	0	0	0	0	0
	Accra	0	0	0	0	0	0
	Amman	0	0	0	0	0	0

	Athens	0	0	0	0	0	0
	Frankfurt	0	0	0	0	0	0
	Johannesburg	0	0	0	0	0	0
	London	0	0	0	0	0	0
	Moscow	0	0	0	0	0	0
	Nairobi	0	0	0	0	0	0
	Rome (Field Office)	0	0	0	0	0	0
	Vienna	0	0	0	0	0	0
<b>Totals</b>		0	0	0	0	0	0
<b>I-590 Request for Review</b>							
<b>Not Ready : Expired Petitioner Background Check</b>		<b>&lt; 60 Days</b>	<b>60 - 89 Days</b>	<b>90 - 119 Days</b>	<b>120 - 179 Days</b>	<b>&gt;= 180 Days</b>	<b>Total</b>
	Rome District Office	0	0	0	0	0	0
	Accra	0	0	0	0	0	0
	Amman	0	0	0	0	0	0
	Athens	0	0	0	0	0	0
	Frankfurt	0	0	0	0	0	0
	Johannesburg	0	0	0	0	0	0
	London	0	0	0	0	0	0
	Moscow	0	0	0	0	0	0
	Nairobi	0	0	0	0	0	0
	Rome (Field Office)	0	0	0	0	0	0
	Vienna	0	0	0	0	0	0
<b>Totals</b>		0	0	0	0	0	0
<b>I-590 Request for Review</b>							
<b>Not Ready : Expired Medical Exam</b>		<b>&lt; 60 Days</b>	<b>60 - 89 Days</b>	<b>90 - 119 Days</b>	<b>120 - 179 Days</b>	<b>&gt;= 180 Days</b>	<b>Total</b>
	Rome District Office	0	0	0	0	0	0
	Accra	0	0	0	0	0	0
	Amman	0	0	0	0	0	0
	Athens	0	0	0	0	0	0
	Frankfurt	0	0	0	0	0	0
	Johannesburg	0	0	0	0	0	0
	London	0	0	0	0	0	0
	Moscow	0	0	0	0	0	0
	Nairobi	0	0	0	0	0	0
	Rome (Field Office)	0	0	0	0	0	0
	Vienna	0	0	0	0	0	0
<b>Totals</b>		0	0	0	0	0	0
<b>I-590 Request for Review</b>							
<b>Not Ready : Expired Petitioner Fingerprint</b>		<b>&lt; 60 Days</b>	<b>60 - 89 Days</b>	<b>90 - 119 Days</b>	<b>120 - 179 Days</b>	<b>&gt;= 180 Days</b>	<b>Total</b>
	Rome District Office	0	0	0	0	0	0
	Accra	0	0	0	0	0	0
	Amman	0	0	0	0	0	0
	Athens	0	0	0	0	0	0
	Frankfurt	0	0	0	0	0	0
	Johannesburg	0	0	0	0	0	0
	London	0	0	0	0	0	0
	Moscow	0	0	0	0	0	0
	Nairobi	0	0	0	0	0	0
	Rome (Field Office)	0	0	0	0	0	0
	Vienna	0	0	0	0	0	0
<b>Totals</b>		0	0	0	0	0	0
<b>I-590 Request for Review</b>							
<b>Not Ready : Fee</b>		<b>&lt; 60 Days</b>	<b>60 - 89 Days</b>	<b>90 - 119 Days</b>	<b>120 - 179 Days</b>	<b>&gt;= 180 Days</b>	<b>Total</b>
	Rome District Office	0	0	0	0	0	0

	Accra	0	0	0	0	0	0
	Amman	0	0	0	0	0	0
	Athens	0	0	0	0	0	0
	Frankfurt	0	0	0	0	0	0
	Johannesburg	0	0	0	0	0	0
	London	0	0	0	0	0	0
	Moscow	0	0	0	0	0	0
	Nairobi	0	0	0	0	0	0
	Rome (Field Office)	0	0	0	0	0	0
	Vienna	0	0	0	0	0	0
<b>Totals</b>		0	0	0	0	0	0
<b>I-590 Request for Review</b>							
<b>Not Ready : Interview</b>		< 60 Days	60 - 89 Days	90 - 119 Days	120 - 179 Days	>= 180 Days	Total
	Rome District Office	0	0	0	0	0	0
	Accra	0	0	0	0	0	0
	Amman	0	0	0	0	0	0
	Athens	0	0	0	0	0	0
	Frankfurt	0	0	0	0	0	0
	Johannesburg	0	0	0	0	0	0
	London	0	0	0	0	0	0
	Moscow	0	0	0	0	0	0
	Nairobi	0	0	0	0	0	0
	Rome (Field Office)	0	0	0	0	0	0
	Vienna	0	0	0	0	0	0
<b>Totals</b>		0	0	0	0	0	0
<b>I-590 Request for Review</b>							
<b>Not Ready : On Hold</b>		< 60 Days	60 - 89 Days	90 - 119 Days	120 - 179 Days	>= 180 Days	Total
	Rome District Office	0	0	0	0	0	0
	Accra	0	0	0	0	0	0
	Amman	0	0	0	0	0	0
	Athens	0	0	0	0	0	0
	Frankfurt	0	0	0	0	0	0
	Johannesburg	0	0	0	0	0	0
	London	0	0	0	0	0	0
	Moscow	0	0	0	0	0	0
	Nairobi	0	0	0	0	0	0
	Rome (Field Office)	0	0	0	0	0	0
	Vienna	0	0	0	0	0	0
<b>Totals</b>		0	0	0	0	0	0
<b>I-590 Request for Review</b>							
<b>Not Ready : Petitioner Fingerprint</b>		< 60 Days	60 - 89 Days	90 - 119 Days	120 - 179 Days	>= 180 Days	Total
	Rome District Office	0	0	0	0	0	0
	Accra	0	0	0	0	0	0
	Amman	0	0	0	0	0	0
	Athens	0	0	0	0	0	0
	Frankfurt	0	0	0	0	0	0
	Johannesburg	0	0	0	0	0	0
	London	0	0	0	0	0	0
	Moscow	0	0	0	0	0	0
	Nairobi	0	0	0	0	0	0
	Rome (Field Office)	0	0	0	0	0	0
	Vienna	0	0	0	0	0	0
<b>Totals</b>		0	0	0	0	0	0
<b>I-590 Request for Review</b>							
<b>Not Ready : Petitioner Fingerprint</b>		< 60 Days	60 - 89 Days	90 - 119 Days	120 - 179 Days	>= 180 Days	Total
	Rome District Office	0	0	0	0	0	0
	Accra	0	0	0	0	0	0
	Amman	0	0	0	0	0	0
	Athens	0	0	0	0	0	0
	Frankfurt	0	0	0	0	0	0
	Johannesburg	0	0	0	0	0	0
	London	0	0	0	0	0	0
	Moscow	0	0	0	0	0	0
	Nairobi	0	0	0	0	0	0
	Rome (Field Office)	0	0	0	0	0	0
	Vienna	0	0	0	0	0	0
<b>Totals</b>		0	0	0	0	0	0

<b>Not Ready : RFE Response</b>							
	Rome District Office	0	0	0	0	0	0
	Accra	0	0	0	0	0	0
	Amman	0	0	0	0	0	0
	Athens	0	0	0	0	0	0
	Frankfurt	0	0	0	0	0	0
	Johannesburg	0	0	0	0	0	0
	London	0	0	0	0	0	0
	Moscow	0	0	0	0	0	0
	Nairobi	0	0	0	0	0	0
	Rome (Field Office)	0	0	0	0	0	0
	Vienna	0	0	0	0	0	0
<b>Totals</b>		0	0	0	0	0	0
<b>I-590 Request for Review</b>							
<b>Not Ready : Travel Document Issuance</b>		<b>&lt; 60 Days</b>	<b>60 - 89 Days</b>	<b>90 - 119 Days</b>	<b>120 - 179 Days</b>	<b>&gt;= 180 Days</b>	<b>Total</b>
	Rome District Office	0	0	0	0	0	0
	Accra	0	0	0	0	0	0
	Amman	0	0	0	0	0	0
	Athens	0	0	0	0	0	0
	Frankfurt	0	0	0	0	0	0
	Johannesburg	0	0	0	0	0	0
	London	0	0	0	0	0	0
	Moscow	0	0	0	0	0	0
	Nairobi	0	0	0	0	0	0
	Rome (Field Office)	0	0	0	0	0	0
	Vienna	0	0	0	0	0	0
<b>Totals</b>		0	0	0	0	0	0
<b>I-590 Request for Review</b>							
<b>Not Ready : Verification</b>		<b>&lt; 60 Days</b>	<b>60 - 89 Days</b>	<b>90 - 119 Days</b>	<b>120 - 179 Days</b>	<b>&gt;= 180 Days</b>	<b>Total</b>
	Rome District Office	0	0	0	0	0	0
	Accra	0	0	0	0	0	0
	Amman	0	0	0	0	0	0
	Athens	0	0	0	0	0	0
	Frankfurt	0	0	0	0	0	0
	Johannesburg	0	0	0	0	0	0
	London	0	0	0	0	0	0
	Moscow	0	0	0	0	0	0
	Nairobi	0	0	0	0	0	0
	Rome (Field Office)	0	0	0	0	0	0
	Vienna	0	0	0	0	0	0
<b>Totals</b>		0	0	0	0	0	0

<b>CAMINO Pending - Ready Report      SENSITIVE BUT UNCLASSIFIED — FOUO</b>							
Filter Applied : Rome District Office Office I-590 Request for Review							
Generated By : (Int'l Ops HQ) on August 12, 2011 @ 2:52:18 PM EDT							
I-590 Request for Review		< 60 Days	60 - 89 Days	90 - 119 Days	120 - 179 Days	>= 180 Days	Total
	Rome District Office	0	0	0	0	0	0
	Accra	3	0	0	0	1	4
	Amman	26	26	32	81	208	373
	Athens	0	0	0	0	1	1
	Frankfurt	0	0	0	0	0	0
	Johannesburg	0	0	0	0	0	0
	London	0	0	0	0	0	0
	Moscow	1	0	0	0	0	1
	Nairobi	5	0	0	0	83	88
	Rome (Field Office)	0	0	0	0	0	0
	Vienna	0	0	0	0	0	0
<b>Totals</b>		35	26	32	81	293	467
<b>Grand Totals</b>		35	26	32	81	293	467

<b>CAMINO Process Time Report</b> <del>SENSITIVE BUT UNCLASSIFIED</del> <del>FOUO</del>					
Filter Applied : Rome District Office Office Target Days 180 AIO Date Starting Aug 1, 2010 Through Jul 31, 2011					
Case Type : I-590 Request for Review					
Generated By : (Int'l Ops HQ) on August 12, 2011 @ 2:58:24 PM EDT					
<b>I-590 Request for Review</b>					
<b>Actual Processing Time</b>			<b>Adjusted Processing Time</b>		
<b>All Cases</b>	Total	1377	<b>All Cases</b>	Total	1377
	Within	(41.18%) 567		Within	(41.32%) 569
	Outside	(58.82%) 810		Outside	(58.68%) 808
<b>Completed Cases</b>	Total	861	<b>Completed Cases</b>	Total	861
	Within	(43.09%) 371		Within	(43.32%) 373
	Outside	(56.91%) 490		Outside	(56.68%) 488
<b>Pending Cases</b>	Total	516	<b>Pending Cases</b>	Total	516
	Within	(37.98%) 196		Within	(37.98%) 196
	Outside	(62.02%) 320		Outside	(62.02%) 320

<b>RIT</b>					
<b>Anticipated refugee interviews in the future (not limited to the reporting month)</b>					
<b>Nov-10</b>					
<b>Office</b>	<b>Location of Interviews</b>	<b>Nationalities</b>	<b>Anticipated Number of Interviews</b>	<b>Number of officers</b>	<b>Comments</b>
MOS	Moscow Embassy	Various	86	4	primarily Lautenberg / scheduled - not just for November
MOS	Moscow Embassy	Various	203	ui	Lautenberg / UNHCR / NGO - not yet scheduled
MOS	Krasnodar	various	40	1	NGO Afghans - not yet scheduled
JHS	Harare, ZIM	DRC, RW	27	1	Scheduled for November 14-19th
NBO	Kampala		11		Not yet scheduled
<b>Dec-10</b>					
<b>Office</b>	<b>Location of Interviews</b>	<b>Nationalities</b>	<b>Anticipated Number of Interviews</b>	<b>Number of officers</b>	<b>Comments</b>
MOS	Krasnodar	various	28	1	NGO Afghans - not yet scheduled
NBO	Sudan		30		Not yet scheduled
RIT	Malta	various	47		Tenatively after mid December (ready for interview)
RIT	Malta	various	276		Not yet scheduled (not ready for interview)
RIT	Rome	Somalia	1	1	Not yet scheduled. IOM was not able to find an interpreter for this case.
JHS	ANGOLA	Congolese	3	1	Unscheduled CR
JHS	Port Eliz, SA	Somali	21	1	Unscheduled CR
<b>Jan-11</b>					
<b>Office</b>	<b>Location of Interviews</b>	<b>Nationalities</b>	<b>Anticipated Number of Interviews</b>	<b>Number of officers</b>	<b>Comments</b>
MOS	Chisinau	Moldovans	128	ui	Lautenberg Moldovans - not yet scheduled
JHS	Other, SA	Somali	136		
JHS	Botswana	DRC, RW	16		
JHS	Malawi	DRC, RW, BY	7		
JHS	Zambia	DRC	6		
<b>Feb-11</b>					
<b>Office</b>	<b>Location of Interviews</b>	<b>Nationalities</b>	<b>Anticipated Number of Interviews</b>	<b>Number of officers</b>	<b>Comments</b>
MOS	Dushanbe	various	7	ui	various - not yet scheduled
<b>Mar-11</b>					
<b>Office</b>	<b>Location of Interviews</b>	<b>Nationalities</b>	<b>Anticipated Number of Interviews</b>	<b>Number of officers</b>	<b>Comments</b>
<b>Apr-11</b>					

Office	Location of Interviews	Nationalities	Anticipated Number of Interviews	Number of officers	Comments
May-11					
Office	Location of Interviews	Nationalities	Anticipated Number of Interviews	Number of officers	Comments
Jun-11					
Office	Location of Interviews	Nationalities	Anticipated Number of Interviews	Number of officers	Comments
Jul-11					
Office	Location of Interviews	Nationalities	Anticipated Number of Interviews	Number of officers	Comments
Aug-11					
Office	Location of Interviews	Nationalities	Anticipated Number of Interviews	Number of officers	Comments
Sep-11					
Office	Location of Interviews	Nationalities	Anticipated Number of Interviews	Number of officers	Comments
Oct-11					



Office	Location of Interviews	Nationalities	Anticipated Number of Interviews	Number of officers	Comments
Nov-11					
Office	Location of Interviews	Nationalities	Anticipated Number of Interviews	Number of officers	Comments
Dec-11					
Office	Location of Interviews	Nationalities	Anticipated Number of Interviews	Number of officers	Comments
Jan-12					
Office	Location of Interviews	Nationalities	Anticipated Number of Interviews	Number of officers	Comments
Feb-12					
Office	Location of Interviews	Nationalities	Anticipated Number of Interviews	Number of officers	Comments
Mar-12					
Office	Location of Interviews	Nationalities	Anticipated Number of Interviews	Number of officers	Comments

RIT															
Refugee Process Workload Completed by International Operations Staff or Officers on Detail to IO															
Oct-10															
Month	DHS-ready for Interview	Cases Interviewed	Approved Pending Background Check	Supervisory Review of Case	Approved (final)	Denied	Closed	Completions	Anticipated pipeline cases (based on PRM or RAD Info)	USC Hours spent on I-590 adjudicative work	LES Hours spent on I-590 adjudicative work	USC Hours spent on providing logistical assistance to RAD	LES Hours spent on providing logistical assistance to RAD	USC Hours spent traveling for I-590 work	LES Hours spent traveling for I-590 work
ACG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AMM	0	0	0	0	328	0	0	328	0	54	0	80	20	0	0
ATH	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FKG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
JHS	51	4	1	0	1	0	0	1	216	7	0	0	0	20.5	0
LDN	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MOS	79	79	24	79	28	12	4	44	492	220	40	0	0	15	0
NBO	0	0	43	50	54	0	0	54	41	18	0	8	18	5	2
RIT	0	0	0	0	0	0	0	0	324	0	0	0	0	0	0
VNA	0	0	0	0	0	0	0	0	0	0	4	0	6	0	0
Nov-10															
Month	DHS-ready for Interview	Cases Interviewed	Approved Pending Background Check	Supervisory Review of Case	Approved (final)	Denied	Closed	Completions	Anticipated pipeline cases (based on PRM or RAD Info)	USC Hours spent on I-590 adjudicative work	LES Hours spent on I-590 adjudicative work	USC Hours spent on providing logistical assistance to RAD	LES Hours spent on providing logistical assistance to RAD	USC Hours spent traveling for I-590 work	LES Hours spent traveling for I-590 work
ACG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AMM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ATH	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FKG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
JHS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
LDN	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MOS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NBO	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
RIT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
VNA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dec-10															
Month	DHS-ready for Interview	Cases Interviewed	Approved Pending Background Check	Supervisory Review of Case	Approved (final)	Denied	Closed	Completions	Anticipated pipeline cases (based on PRM or RAD Info)	USC Hours spent on I-590 adjudicative work	LES Hours spent on I-590 adjudicative work	USC Hours spent on providing logistical assistance to RAD	LES Hours spent on providing logistical assistance to RAD	USC Hours spent traveling for I-590 work	LES Hours spent traveling for I-590 work
ACG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AMM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ATH	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FKG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
JHS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
LDN	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MOS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NBO	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
RIT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

VNA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Jan-11																
	DHS-ready for Interview	Cases Interviewed	Approved Pending Background Check	Supervisory Review of Case	Approved (final)	Denied	Closed	Completions	Anticipated pipeline cases (based on PRM or RAD Info)	USC Hours spent on I- 590 adjudicative work	LES Hours spent on I- 590 adjudicative work	USC Hours spent on providing logistical assistance to RAD	LES Hours spent on providing logistical assistance to RAD	USC Hours spent traveling for I-590 work	LES Hours spent traveling for I-590 work	
Month																
ACG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AMM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ATH	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FKG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
JHS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
LDN	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MOS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NBO	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
RIT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
VNA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Feb-11																
	DHS-ready for Interview	Cases Interviewed	Approved Pending Background Check	Supervisory Review of Case	Approved (final)	Denied	Closed	Completions	Anticipated pipeline cases (based on PRM or RAD Info)	USC Hours spent on I- 590 adjudicative work	LES Hours spent on I- 590 adjudicative work	USC Hours spent on providing logistical assistance to RAD	LES Hours spent on providing logistical assistance to RAD	USC Hours spent traveling for I-590 work	LES Hours spent traveling for I-590 work	
Month																
ACG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AMM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ATH	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FKG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
JHS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
LDN	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MOS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NBO	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
RIT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
VNA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Mar-11																
	DHS-ready for Interview	Cases Interviewed	Approved Pending Background Check	Supervisory Review of Case	Approved (final)	Denied	Closed	Completions	Anticipated pipeline cases (based on PRM or RAD Info)	USC Hours spent on I- 590 adjudicative work	LES Hours spent on I- 590 adjudicative work	USC Hours spent on providing logistical assistance to RAD	LES Hours spent on providing logistical assistance to RAD	USC Hours spent traveling for I-590 work	LES Hours spent traveling for I-590 work	
Month																
ACG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AMM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ATH	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FKG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
JHS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
LDN	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MOS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NBO	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
RIT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
VNA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Apr-11																

Month	DHS-ready for interview	Cases Interviewed	Approved Pending Background Check	Supervisory Review of Case	Approved (final)	Denied	Closed	Completions	Anticipated pipeline cases (based on PRM or RAD info)	USC Hours spent on I-590 adjudicative work	LES Hours spent on I-590 adjudicative work	USC Hours spent on providing logistical assistance to RAD	LES Hours spent on providing logistical assistance to RAD	USC Hours spent traveling for I-590 work	LES Hours spent traveling for I-590 work
ACG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AMM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ATH	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FKG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
JHS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
LDN	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MOS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NBO	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
RIT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
VNA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
May-11															
Month	DHS-ready for interview	Cases Interviewed	Approved Pending Background Check	Supervisory Review of Case	Approved (final)	Denied	Closed	Completions	Anticipated pipeline cases (based on PRM or RAD Info)	USC Hours spent on I-590 adjudicative work	LES Hours spent on I-590 adjudicative work	USC Hours spent on providing logistical assistance to RAD	LES Hours spent on providing logistical assistance to RAD	USC Hours spent traveling for I-590 work	LES Hours spent traveling for I-590 work
ACG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AMM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ATH	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FKG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
JHS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
LDN	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MOS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NBO	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
RIT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
VNA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Jun-11															
Month	DHS-ready for interview	Cases Interviewed	Approved Pending Background Check	Supervisory Review of Case	Approved (final)	Denied	Closed	Completions	Anticipated pipeline cases (based on PRM or RAD Info)	USC Hours spent on I-590 adjudicative work	LES Hours spent on I-590 adjudicative work	USC Hours spent on providing logistical assistance to RAD	LES Hours spent on providing logistical assistance to RAD	USC Hours spent traveling for I-590 work	LES Hours spent traveling for I-590 work
ACG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AMM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ATH	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FKG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
JHS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
LDN	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MOS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NBO	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
RIT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
VNA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Jul-11															

District RIT

## Refugee Process Workload Completed by International Operations Staff or Officers on Detail to IO

Month	DHS-ready for Interview	Cases Interviewed	Approved Pending Background Check	Supervisory Review of Case	Approved (final)	Denied	Closed	Completions	Anticipated pipeline cases (based on PRM or RAD Info)	USC Hours spent on I- 590 adjudicative work	LES Hours spent on I- 590 adjudicative work	USC Hours spent on providing logistical assistance to RAD	LES Hours spent on providing logistical assistance to RAD	USC Hours spent traveling for I-590 work	LES Hours spent traveling for I-590 work
Oct-10	130	83	68	129	411	12	4	427	1073	299	44	88	44	40.5	2
Nov-10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dec-10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Jan-11	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Feb-11	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Mar-11	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Apr-11	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
May-11	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Jun-11	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Jul-11	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aug-11	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sep-11	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Note: Input is based on number of cases, not individuals.

Example: If officer interviews 6 family members on one case, this would be counted as 1 interview.

ACG

## Refugee Process Workload Completed by International Operations Staff or Officers on Detail to IO

Month	DHS-ready for interview	Cases Interviewed	Approved Pending Background Check	Supervisory Review of Case	Approved (final)	Denied	Closed	Completions	Anticipated pipeline cases (based on PRM or RAD Info)	USC Hours spent on I-590 adjudicative work	LES Hours spent on I-590 adjudicative work	USC Hours spent on providing logistical assistance to RAD	LES Hours spent on providing logistical assistance to RAD	USC Hours spent traveling for I-590 work	LES Hours spent traveling for I-590 work
Oct-10	0	0	0	0	0	0	0	0							
Nov-10								0							
Dec-10								0							
Jan-11								0							
Feb-11								0							
Mar-11								0							
Apr-11								0							
May-11								0							
Jun-11								0							
Jul-11								0							
Aug-11								0							
Sep-11								0							

Note: Input is based on number of cases, not individuals.

Example: if officer interviews 6 family members on one case, this would be counted as 1 interview.

**AMM****Refugee Process Workload Completed by International Operations Staff or Officers on Detail to IO**

Month	DHS-ready for interview	Cases Interviewed	Approved Pending Background Check	Supervisory Review of Case	Approved (final)	Denied	Closed	Completions	Anticipated pipeline cases (based on PRM or RAD Info)	USC Hours spent on I-590 adjudicative work	LES Hours spent on I-590 adjudicative work	USC Hours spent on providing logistical assistance to RAD	LES Hours spent on providing logistical assistance to RAD	USC Hours spent travelling for I-590 work	LES Hours spent travelling for I-590 work
Oct-10					328	0	0	328		54		80	20		
Nov-10								0							
Dec-10								0							
Jan-11								0							
Feb-11								0							
Mar-11								0							
Apr-11								0							
May-11								0							
Jun-11								0							
Jul-11								0							
Aug-11								0							
Sep-11								0							

Note: Input is based on number of cases, not individuals.

Example: if officer interviews 6 family members on one case, this would be counted as 1 interview.

ATH

## Refugee Process Workload Completed by International Operations Staff or Officers on Detail to IO

Month	DHS-ready for interview	Cases Interviewed	Approved Pending Background Check	Supervisory Review of Case	Approved (final)	Denied	Closed	Completions	Anticipated pipeline cases (based on PRM or RAD info)	USC Hours spent on I-590 adjudicative work	LES Hours spent on I-590 adjudicative work	USC Hours spent on providing logistical assistance to RAD	LES Hours spent on providing logistical assistance to RAD	USC Hours spent traveling for I-590 work	LES Hours spent traveling for I-590 work
Oct-10	0	0	0	0	0	0	0	0							
Nov-10								0							
Dec-10								0							
Jan-11								0							
Feb-11								0							
Mar-11								0							
Apr-11								0							
May-11								0							
Jun-11								0							
Jul-11								0							
Aug-11								0							
Sep-11								0							

Note: Input is based on number of cases, not individuals.

Example: if officer interviews 6 family members on one case, this would be counted as 1 interview.



FKG

## Refugee Process Workload Completed by International Operations Staff or Officers on Detail to IO

Month	DHS-ready for interview	Cases Interviewed	Approved. Pending Background Check	Supervisory Review of Case	Approved. (final)	Denied	Closed	Completions	Anticipated pipeline cases (based on PRM or RAD Info)	USC Hours spent on I-590 adjudicative work	LES Hours spent on I-590 adjudicative work	USC Hours spent on providing logistical assistance to RAD	LES Hours spent on providing logistical assistance to RAD	USC Hours spent traveling for I-590 work	LES Hours spent traveling for I-590 work
Oct-10	0	0	0	0	0	0	0	0							
Nov-10								0							
Dec-10								0							
Jan-11								0							
Feb-11								0							
Mar-11								0							
Apr-11								0							
May-11								0							
Jun-11								0							
Jul-11								0							
Aug-11								0							
Sep-11								0							

Note: Input is based on number of cases, not individuals.

Example: if officer interviews 6 family members on one case, this would be counted as 1 interview.

JHS

## Refugee Process Workload Completed by International Operations Staff or Officers on Detail to IO

Month	DHS-ready for interview	Cases Interviewed	Approved Pending Background Check	Supervisory Review of Case	Approved (final)	Denied	Closed	Completions	Anticipated pipeline cases (based on PRM or RAD Info)	USC Hours spent on I-590 adjudicative work	LES Hours spent on I-590 adjudicative work	USC Hours spent on providing logistical assistance to RAD	LES Hours spent on providing logistical assistance to RAD	USC Hours spent traveling for I-590 work	LES Hours spent traveling for I-590 work
Oct-10	51	4	1	0	1	0	0	1	216	7	0	0	0	20.5	0
Nov-10								0							
Dec-10								0							
Jan-11								0							
Feb-11								0							
Mar-11								0							
Apr-11								0							
May-11								0							
Jun-11								0							
Jul-11								0							
Aug-11								0							
Sep-11								0							

Note: Input is based on number of cases, not individuals.

Example: If officer interviews 6 family members on one case, this would be counted as 1 interview.

LDN

## Refugee Process Workload Completed by International Operations Staff or Officers on Detail to IO

Month	DHS-ready for interview	Cases interviewed	Approved Pending Background Check	Supervisory Review of Case	Approved (final)	Denied	Closed	Completions	Anticipated pipeline cases (based on PRM or RAD info)	USC Hours spent on I-590 adjudicative work	LES Hours spent on I-590 adjudicative work	USC Hours spent on providing logistical assistance to RAD	LES Hours spent on providing logistical assistance to RAD	USC Hours spent traveling for I-590 work	LES Hours spent traveling for I-590 work
Oct-10	0	0	0	0	0	0	0	0							
Nov-10								0							
Dec-10								0							
Jan-11								0							
Feb-11								0							
Mar-11								0							
Apr-11								0							
May-11								0							
Jun-11								0							
Jul-11								0							
Aug-11								0							
Sep-11								0							

Note: Input is based on number of cases, not individuals.

Example: If officer interviews 6 family members on one case, this would be counted as 1 interview.

**MOS****Refugee Process Workload Completed by International Operations Staff or Officers on Detail to IO**

Month	DHS-ready for Interview	Cases Interviewed	Approved Pending Background Check	Supervisory Review of Case	Approved (final)	Denied	Closed	Completions	Anticipated pipeline cases (based on PRM or RAD info)	USC Hours spent on I-590 adjudicative work	LES Hours spent on I-590 adjudicative work	USC Hours spent on providing logistical assistance to RAD	LES Hours spent on providing logistical assistance to RAD	USC Hours spent traveling for 590 work	LES Hours spent traveling for 590 work
Oct-10	79	79	24	79	28	12	4	44	492	220	40			15	
Nov-10								0							
Dec-10								0							
Jan-11								0							
Feb-11								0							
Mar-11								0							
Apr-11								0							
May-11								0							
Jun-11								0							
Jul-11								0							
Aug-11								0							
Sep-11								0							

Note: Input is based on number of cases, not individuals.

Example: If officer interviews 6 family members on one case, this would be counted as 1 interview.

**NBO****Refugee Process Workload Completed by International Operations Staff or Officers on Detail to IO**

Month	DHS-ready for interview	Cases Interviewed	Approved Pending Background Check	Supervisory Review of Case	Approved (final)	Denied	Closed	Completions	Anticipated pipeline cases (based on PRM or RAD info)	USC Hours spent on I-590 adjudicative work	LES Hours spent on I-590 adjudicative work	USC Hours spent on providing logistical assistance to RAD	LES Hours spent on providing logistical assistance to RAD	USC Hours spent traveling for 590 work	LES Hours spent traveling for 590 work
Oct-10		0	43	50	54	0	0	54	41	18	0	8	18	5	2
Nov-10								0							
Dec-10								0							
Jan-11								0							
Feb-11								0							
Mar-11								0							
Apr-11								0							
May-11								0							
Jun-11								0							
Jul-11								0							
Aug-11								0							
Sep-11								0							

Note: Input is based on number of cases, not individuals.

Example: If officer interviews 6 family members on one case, this would be counted as 1 interview.

RIT

## Refugee Process Workload Completed by International Operations Staff or Officers on Detail to IO

Month	DHS-ready for interview	Cases Interviewed	Approved Pending Background Check	Supervisory Review of Case	Approved (final)	Denied	Closed	Completions	Anticipated pipeline cases (based on PRIM or RAD info)	USC Hours spent on I-590 adjudicative work	LES Hours spent on I-590 adjudicative work	USC Hours spent on providing logistical assistance to RAD	LES Hours spent on providing logistical assistance to RAD	USC Hours spent traveling for I-590 work	LES Hours spent traveling for I-590 work
Oct-10	0	0	0	0	0	0	0	0	324						
Nov-10								0							
Dec-10								0							
Jan-11								0							
Feb-11								0							
Mar-11								0							
Apr-11								0							
May-11								0							
Jun-11								0							
Jul-11								0							
Aug-11								0							
Sep-11								0							

Note: Input is based on number of cases, not individuals.

Example: if officer interviews 6 family members on one case, this would be counted as 1 interview.

**VNA****Refugee Process Workload Completed by International Operations Staff or Officers on Detail to IO**

Month	DHS-ready for interview	Cases Interviewed	Approved Pending Background Check	Supervisory Review of Case	Approved (final)	Denied	Closed	Completions	Anticipated pipeline cases (based on PRM or RAD Info)	USC Hours spent on I-590 adjudicative work	LES Hours spent on I-590 adjudicative work	USC Hours spent on providing logistical assistance to RAD	LES Hours spent on providing logistical assistance to RAD	USC Hours spent traveling for I-590 work	LES Hours spent traveling for I-590 work
Oct-10	0	0	0	0	0	0	0	0				4		6	
Nov-10								0							
Dec-10								0							
Jan-11								0							
Feb-11								0							
Mar-11								0							
Apr-11								0							
May-11								0							
Jun-11								0							
Jul-11								0							
Aug-11								0							
Sep-11								0							

Note: Input is based on number of cases, not individuals.

Example: if officer interviews 6 family members on one case, this would be counted as 1 interview.

# Exhibit B

**Exhibit B**



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**From:** Viker, Elliot [elliott.viker1@dhs.gov]  
**Sent:** Wednesday, October 19, 2011 11:21 AM  
**To:** Malinsky, Jason  
**Cc:** 'Becca Heller'; Oliver, L. Scott  
**Subject:** RE: FOIA request follow up

Good morning:

The tracking number for USPS revealed the following to my query:

**You entered: 70090820000199556575**

**Status:**

Sorry, there's no information for that 70090820000199556575. Please double-check it and try again.  
Delivery Status Information is not available for your item via this website. A return receipt after mailing may be available through your local Post Office.

The package was addressed to:

Jason Malinsky  
Morrison & Forrester  
425 Market St, 32<sup>nd</sup> Floor  
San Francisco, CA 94105

I confess that I have not received a message similar to the one above however; I have verified the receipt in my possession. I will check the status again in 24 hours.

I apologize for any mailing misfortunes that we have shared. We are not able to provide electronic copies at this time for a rolling response; we will be able to do so in our final response. It is a system limitation that we are aware of.

We are currently reviewing the "sampling of Trip Reports". Upon completion of our review and processing we will notify you of our completion and have the records delivered to your address.

Thank you for your consideration in this matter.

Cordially,

Elliot Viker  
Paralegal Specialist/Detailed FOIA Operations  
DHS/USCIS/Enterprise Services Directorate/NRC  
(816) 350 5500 ext. 5207  
[Elliot.Viker@uscis.dhs.gov](mailto:Elliot.Viker@uscis.dhs.gov)

Si a jure discedas vagus eris, et erunt omnia omnibus incerta.

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---

**From:** Malinsky, Jason [mailto:JMalinsky@mofo.com]  
**Sent:** Wednesday, October 19, 2011 12:53 PM  
**To:** Viker, Elliot  
**Cc:** Becca Heller; Oliver, L. Scott  
**Subject:** RE: FOIA request follow up

Eliot,

The tracking number you provided does not reveal any shipping information on the USPS website. Can you explain this?

FOIA request follow up

Page 2 of 4

As requested previously, please email me electronic copies of the cover letter included with the documents mailed out on Monday. Please also include any electronic copies of other documents that you've purportedly mailed three times now, but that we have not received. Electronic transmittal would avoid any future mailing fiascos.

Also, please provide an update on the status of the additional records, including the "sampling of Trip Reports" that should have been processed and mailed out. As with the other documents, please provide electronic copies via email to the extent possible. Please also include valid tracking numbers with each package you send to us.

Thank you.

Jason

**Jason A. Malinsky**

**Morrison & Foerster LLP**

425 Market Street | San Francisco, California 94105

415.268.6709 | JMalinsky@mofo.com

---

**From:** Malinsky, Jason

**Sent:** Monday, October 17, 2011 1:36 PM

**To:** 'Viker, Elliot'

**Subject:** RE: FOIA request follow up

Elliot,

The additional records includes the "sampling of Trip Reports" you had said on Oct. 4 would be processed by last week. Have these records been mailed out already? If not, please include a tracking number when those records are sent.

To the extent possible, please also send me electronic copies of the cover letters and any documents.

Thanks again for your diligence in staying on top of this matter.

Jason

---

**From:** Malinsky, Jason

**Sent:** Monday, October 17, 2011 1:32 PM

**To:** 'Viker, Elliot'

**Subject:** RE: FOIA request follow up

Elliot,

Thank you for including the tracking number.

What is the status of the remaining records we discussed? You stated in a prior email that you had received additional records. When can we expect to receive those records?

Jason

**Jason A. Malinsky**

**Morrison & Foerster LLP**

425 Market Street | San Francisco, California 94105

415.268.6709 | JMalinsky@mofo.com

---

**From:** Viker, Elliot [<mailto:elliot.viker1@dhs.gov>]

FOIA request follow up

**Sent:** Monday, October 17, 2011 1:28 PM

**To:** Malinsky, Jason

**Subject:** RE: FOIA request follow up

Good afternoon Mr. Malinsky:

We were able to send the records out in today's mail. They were sent via U.S. Postal Service under the following tracking number: 7009 0820 0001 9955 6575.

Thank you for your consideration in this matter.

Cordially,

Elliot Viker  
Paralegal Specialist/Detailed FOIA Operations  
DHS/USCIS/Enterprise Services Directorate/NRC  
(816) 350 5500 ext. 5207  
[Elliot.Viker@uscis.dhs.gov](mailto:Elliot.Viker@uscis.dhs.gov)

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---

**From:** Malinsky, Jason [<mailto:JMalinsky@mofo.com>]

**Sent:** Monday, October 17, 2011 11:36 AM

**To:** Viker, Elliot

**Subject:** FOIA request follow up

Elliot,

We still have not received the records you said were mailed out. Please include a tracking number with the next package you send out so we can hopefully figure out what is going on.

Thanks.

Jason

**Jason A. Malinsky**  
**Morrison & Foerster LLP**  
425 Market Street | San Francisco, California 94105  
415.268.6709 | [JMalinsky@mofo.com](mailto:JMalinsky@mofo.com)

---

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@mofo.com, and delete the message.

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**From:** Viker, Elliot [elliott.viker1@dhs.gov]  
**Sent:** Tuesday, October 04, 2011 2:08 PM  
**To:** Malinsky, Jason

**Subject:** RE: IRAP USCIS FOIA Request - Follow Up From August 12th Conference Call

I will have the address verified in our system, but I believe that it is a problem on our end, as you received the letter just not the records. And as for the additional records, I should have them prepared for processing shortly. Barring any unforeseen hitches these should be ready next week. If I foresee a delay I will advise accordingly.

Elliot Viker  
Paralegal Specialist/Detailed FOIA Operations  
DHS/USCIS/Enterprise Services Directorate/NRC  
(816) 350 5500 ext. 5207  
[Elliot.Viker@uscis.dhs.gov](mailto:Elliot.Viker@uscis.dhs.gov)

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**From:** Malinsky, Jason [mailto:JMalinsky@mofo.com]  
**Sent:** Tuesday, October 04, 2011 4:00 PM  
**To:** Viker, Elliot  
**Subject:** RE: IRAP USCIS FOIA Request - Follow Up From August 12th Conference Call

Eliot,

Thank you for clarifying. I wasn't sure what to make of that letter.

What address are you sending things to? Please send all letters and documents to:

**Jason Malinsky**  
**Morrison & Foerster LLP**  
**425 Market Street, 32nd Floor**  
**San Francisco, California 94105**

When should we expect to receive the "sampling of Trip Reports"?

Jason

**Jason A. Malinsky**  
**Morrison & Foerster LLP**  
425 Market Street | San Francisco, California 94105  
415.268.6709 | [JMalinsky@mofo.com](mailto:JMalinsky@mofo.com)

---

**From:** Viker, Elliot [mailto:elliott.viker1@dhs.gov]  
**Sent:** Tuesday, October 04, 2011 1:53 PM  
**To:** Malinsky, Jason  
**Subject:** RE: IRAP USCIS FOIA Request - Follow Up From August 12th Conference Call

Good morning Mr. Malinsky:

It sounds like we have had a problem with our mailroom. I will have them resent to you in tomorrow's mail, our last pick up for the day has departed. I apologize for any inconvenience that this has caused.

I have another bit of news; we received a "sampling of Trip Reports". We will have these processed shortly and sent out as part of our rolling release agreement.

Thank you for your consideration in this matter.

Cordially,

Elliot Viker  
Paralegal Specialist/Detailed FOIA Operations  
DHS/USCIS/Enterprise Services Directorate/NRC  
(816) 350 5500 ext. 5207  
[Elliot.Viker@uscis.dhs.gov](mailto:Elliot.Viker@uscis.dhs.gov)

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**From:** Malinsky, Jason [<mailto:JMalinsky@mofo.com>]  
**Sent:** Tuesday, October 04, 2011 3:47 PM  
**To:** Viker, Elliot  
**Cc:** Oliver, L. Scott; Becca Heller; Stephen Poellot  
**Subject:** RE: IRAP USCIS FOIA Request - Follow Up From August 12th Conference Call

Elliot,

We received the attached letter today, but no documents. Please explain the meaning of the attached letter.

Should we expect to receive the "set of records and explanatory letter" you said was mailed on September 26 in a separate package?

Jason

**Jason A. Malinsky**  
**Morrison & Foerster LLP**  
425 Market Street | San Francisco, California 94105  
415.268.6709 | [JMalinsky@mofo.com](mailto:JMalinsky@mofo.com)

---

**From:** Malinsky, Jason  
**Sent:** Monday, October 03, 2011 4:21 PM  
**To:** 'Viker, Elliot'  
**Cc:** Oliver, L. Scott; 'Becca Heller'; 'Stephen Poellot'  
**Subject:** RE: IRAP USCIS FOIA Request - Follow Up From August 12th Conference Call

Elliot,

Following up on the email below, we still have not received anything from your office in response to our FOIA request and the August 12th conference call. Please let us know when we can expect to receive the documents mailed on September 26 and the remaining documents covered by our request.

Jason

---

**From:** Viker, Elliot [<mailto:elliot.viker1@dhs.gov>]  
**Sent:** Monday, September 26, 2011 11:51 AM  
**To:** Malinsky, Jason; 'Viker, Elliot'  
**Cc:** Oliver, L. Scott; 'Becca Heller'; 'Stephen Poellot'  
**Subject:** RE: IRAP USCIS FOIA Request - Follow Up From August 12th Conference Call

Good afternoon Mr. Malinsky:

RE: IRAP USCIS FOIA Request - Follow Up From August 12th Conference Call

Page 3 of 9

Thank you for your inquiry.

I just checked on the status of our rolling release to you. We are mailing a set of records and explanatory letter today, September 26, 2011. We anticipate receiving additional record(s) shortly and we will continue with our rolling response to you.

If you have any additional questions or concerns please do not hesitate to contact me at the following. I finally had my phone fixed to accept voice mail.

Thank you for your consideration in this matter.

Cordially,

Elliot Viker  
Paralegal Specialist/Detailed FOIA Operations  
DHS/USCIS/Enterprise Services Directorate/NRC  
(816) 350 5500 ext. 5207  
[Elliot.Viker@uscis.dhs.gov](mailto:Elliot.Viker@uscis.dhs.gov)

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---

**From:** Malinsky, Jason [<mailto:JMalinsky@mofo.com>]  
**Sent:** Friday, September 23, 2011 11:49 AM  
**To:** Viker, Elliot  
**Cc:** Oliver, L. Scott; Becca Heller; Stephen Poellot  
**Subject:** RE: IRAP USCIS FOIA Request - Follow Up From August 12th Conference Call

Elliot,

When we spoke last week about the email below you stated that we would be receiving documents this week in response to our request and, if we did not receive anything, I should contact you. To date, we have not received any documents in response to our request. Please let me know the status of your office's response to our request.

Thank you.

Jason

**Jason A. Malinsky**  
**Morrison & Foerster LLP**  
425 Market Street | San Francisco, California 94105  
415.268.6709 | [JMalinsky@mofo.com](mailto:JMalinsky@mofo.com)

---

**From:** Malinsky, Jason  
**Sent:** Friday, September 16, 2011 11:08 AM  
**To:** 'Viker, Elliot'  
**Cc:** Oliver, L. Scott; 'Becca Heller'; 'Stephen Poellot'  
**Subject:** RE: IRAP USCIS FOIA Request - Follow Up From August 12th Conference Call

Elliot,

Tried to reach you by phone earlier today, but you have no voicemail.

Following up on the emails below, please let me know the status of our request. As I mentioned previously, we would like to receive documents as they become available. We do not need to receive all the documents as one package. One month ago, Ms. Ruppel and Ms. Strong represented that they were providing your office with documents from their departments and divisions. Please send us these documents as soon as possible. Documents from other departments and divisions can be sent at a later date following processing by your office.

RE: IRAP USCIS FOIA Request - Follow Up From August 12th Conference Call

Page 4 of 9

Thank you.

Jason

**Jason A. Malinsky**

**Morrison & Foerster LLP**

425 Market Street | San Francisco, California 94105

415.268.6709 | JMalinsky@mofo.com

---

**From:** Malinsky, Jason

**Sent:** Monday, August 29, 2011 2:23 PM

**To:** 'Viker, Elliot'

**Cc:** Oliver, L. Scott; 'Becca Heller'; 'Stephen Poellot'

**Subject:** RE: IRAP USCIS FOIA Request - Follow Up From August 12th Conference Call

Eliot,

Thank you for the update.

We are open to receiving the records on a rolling basis as they become available.

Jason

**Jason A. Malinsky**

**Morrison & Foerster LLP**

425 Market Street | San Francisco, California 94105

415.268.6709 | JMalinsky@mofo.com

---

**From:** Viker, Elliot [mailto:elliott.viker1@dhs.gov]

**Sent:** Monday, August 29, 2011 12:21 PM

**To:** Malinsky, Jason

**Cc:** Oliver, L. Scott; 'Becca Heller'; 'Stephen Poellot'

**Subject:** RE: IRAP USCIS FOIA Request - Follow Up From August 12th Conference Call

Good afternoon Mr. Malinsky:

We are still awaiting receipt of some of the report samples. You have requested records from multiple divisions and program offices; to include program offices and divisions in addition to those headed by Ms. Ruppel and Ms. Strong. Once we have received the records into our office we will process them out to you through our system as soon as we are able too.

I appreciate your patience in this matter.

Should you have any additional questions or concerns please do not hesitate to contact myself or this office.

Cordially,

Elliot Viker

Paralegal Specialist/Detailed FOIA Operations

DHS/USCIS/Enterprise Services Directorate/NRC

(816) 350 5500 ext. 5207

[Elliot.Viker@uscis.dhs.gov](mailto:Elliot.Viker@uscis.dhs.gov)

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# Exhibit C

**Exhibit C**

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**From:** Viker, Elliot [elliot.viker1@dhs.gov]  
**Sent:** Monday, August 15, 2011 11:48 AM  
**To:** Malinsky, Jason; 'Viker, Elliot'  
**Cc:** Oliver, L. Scott; 'Becca Heller'; 'Stephen Poellot'  
**Subject:** RE: IRAP USCIS FOIA Request - Follow Up From August 12th Conference Call  
**Follow Up Flag:** Follow up  
**Flag Status:** Red  
Good afternoon Mr. Malinsky:

Thank you for your communiqué and phone call on 08/15/2011. We are presently moving forward with your access request.

Should you have any questions or concerns please do not hesitate to contact myself of this office.

Cordially,

Elliot Viker  
Paralegal Specialist/Detailed FOIA Operations  
DHS/USCIS/Enterprise Services Directorate/NRC  
(816) 350 5500 ext. 5207  
[Elliot.Viker@uscis.dhs.gov](mailto:Elliot.Viker@uscis.dhs.gov)

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**From:** Malinsky, Jason [mailto:JMalinsky@mofo.com]  
**Sent:** Monday, August 15, 2011 1:02 PM  
**To:** Viker, Elliot  
**Cc:** Oliver, L. Scott; Becca Heller; Stephen Poellot  
**Subject:** RE: IRAP USCIS FOIA Request - Follow Up From August 12th Conference Call

Eliot,

Please note the error in the email below under the "Time Limitation". It should read: "Our request is limited to documents and information from January 1, **2001** through present day." 2011 was a typo.

My apologies for the error.

Jason

---

**From:** Malinsky, Jason  
**Sent:** Monday, August 15, 2011 10:55 AM  
**To:** 'Viker, Elliot'  
**Cc:** Oliver, L. Scott; 'Becca Heller'; Stephen Poellot  
**Subject:** IRAP USCIS FOIA Request - Follow Up From August 12th Conference Call

Eliot,

Thank you for taking the time to organize Friday's productive meeting to discuss our FOIA request.

Upon conferring with you, Joanna Ruppel, Stacy Strong, Richard French, and Roger Andoh, and taking into consideration USCIS's concerns about the volume of documents, we have agreed to limit the scope of our request. After being informed by USCIS that our request could encompass nearly 500,000 documents and include forms addressing matters unrelated to refugees, we agreed to limit the scope of forms included in our request to: I-590s; all refugee Requests for Review; and I-602s. As expressed on the conference call, we are open to the idea of further limiting our request. Without knowing what documents USCIS has, or the contents of those documents, we are unable to further limit our request at this time. We have agreed, however, that USCIS will initially produce a sample of documents for our review that will allow us to make an informed decision about further limiting our request's scope.

**Time Limitation.** Our request is limited to documents and information from January 1, 2011 through present day.

**USCIS Refugee Reports.** USCIS agreed to provide us with a list of the types of reports within the scope of our request as well as a short description of the data contained within those reports. USCIS representatives mentioned that the list of these reports includes, but is not limited to:

- Trend reports;
- Aging readiness reports;
- Case trend reports;
- Workload reports;
- Processing time reports; and
- Pending cases reports.

In addition to the list of reports and short description of their contents, USCIS will produce samples of each of the above-described reports, as well as any other reports that are not explicitly named above but that are reasonably determined to fall within the scope of our request. Following our review of the list and sample reports, we will communicate to USCIS which reports we want them to produce.

Joanna Ruppel stated that the above-described sample reports, and the post-August 2010 data reports described below, could be gathered early this week. The FOIA office will then review these reports before producing them to us as soon as possible.

**August 2010 to Present Day USCIS Data.** USCIS described its post-August 2010 data as being compiled in a more organized manner than pre-August 2010 data. Thus, USCIS will produce sample monthly, quarterly, and other reports compiling this data so that we may determine which reports best address our request. Following our review, we will communicate to USCIS which reports we want them to produce.

**Circuit Rider Trip Reports.** Our request also encompasses what Stacy Strong described as Circuit Rider "Trip Reports". USCIS will produce examples of these reports for each year, and from each region, from each of the past ten years. Stacy stated that she expects to be able to gather all these reports by the end of this week. The FOIA office will then review these reports before producing them to us as soon as possible.

**Quality Assurance ("QA") Program Reviews.** We stated on the call that we needed time to review the Ombudsman's report attached to our request and would respond to USCIS with more detail on what our request encompasses. We have since reviewed the Ombudsman's report. We request USCIS to produce any conclusions, assessment, or analysis of the results of these QA programs concerning notice of a potentially adverse decision given to refugees orally during their interview *and* written notice of an actual adverse decision given after the conclusion of their interview.

Thank you again for your time and effort in responding to our FOIA request. Please do not hesitate to contact me should any further questions arise related to our request.

Regards,

Jason  
Attorney for the Iraqi Refugee Assistance Project

**Jason A. Malinsky**  
**Morrison & Foerster LLP**  
425 Market Street | San Francisco, California 94105  
415.268.6709 | JMalinsky@mofo.com

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# Exhibit D

**Exhibit D**

**MORRISON | FOERSTER**

425 MARKET STREET  
SAN FRANCISCO  
CALIFORNIA 94105-2482  
  
TELEPHONE: 415.268.7000  
FACSIMILE: 415.268.7522  
  
WWW.MOFO.COM

MORRISON & FOERSTER LLP  
NEW YORK, SAN FRANCISCO,  
LOS ANGELES, PALO ALTO,  
SACRAMENTO, SAN DIEGO,  
DENVER, NORTHERN VIRGINIA,  
WASHINGTON, D.C.  
  
TOKYO, LONDON, BRUSSELS,  
BEIJING, SHANGHAI, HONG KONG

July 15, 2011

Writer's Direct Contact  
415.268.6709  
JMalinsky@mofo.com

***By Email & Mail***

Jill A. Eggleston  
Director, FOIA Operations  
U.S. Citizenship and Immigration Services  
National Records Center, FOIA/PA Office  
P. O. Box 648010  
Lee's Summit, MO 64064-8010

Re: Freedom of Information Act Request

Dear Ms. Eggleston:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I request access to and copies of:

- All statistics on overseas adjudications, including Requests for Review/Reconsideration, from the Overseas Tracking System from 2003 to present day, including, but not limited to:
  - Data on decisions (e.g. grant v. denial rates) broken down by circuit ride leader, circuit ride, office, district, *and* individual officer;
  - Each applicant's country of origin;
  - The ultimate determination (e.g. re-interview v. reversal; grant v. deny); and
- All records discussing or analyzing the above-mentioned statistics, including, but not limited to internal memoranda, reports, and emails;
- The U.S. Citizenship and Immigration Services ("USCIS") quality assurance program review "of a statistically valid sample of refugee cases" conducted in Fiscal Year 2009 as described in Alejandro N. Mayorkas's July 31, 2010, memorandum to January Contreras, a copy of which is attached;
- All post-2001 USCIS data on overseas adjudications, including all available data prior to the introduction of the case management system.

I would like to receive the information in electronic format.

MORRISON | FOERSTER

Jill A. Eggleston  
July 15, 2011  
Page Two

Please waive any applicable fees. Release of the information is in the public interest because it will contribute significantly to public understanding of government operations and activities.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

I look forward to your reply within 20 business days, as the statute requires.

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason A. Malinsky". The signature is written in a cursive, flowing style.

Jason A. Malinsky

U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
*Office of the Director (MS 2000)*  
Washington, DC 20529-2000



U.S. Citizenship  
and Immigration  
Services

JUL 31 2010

## Memorandum

TO: January Contreras  
Citizenship and Immigration Services Ombudsman

FROM: Alejandro N. Mayorkas  
Director

SUBJECT: Response to Recommendation 44, Emergent or Denied Refugee Applications:  
Expediting Cases, Articulating Reasons for Denial, and Issuing Guidance for  
Requests for Reconsideration

### Executive Summary

USCIS appreciates the thoughtful review of the U.S. Refugee Admissions Program (USRAP) conducted by the CIS Ombudsman's Office. We welcome the opportunity to engage with our governmental and nongovernmental partners and stakeholders to improve the USRAP as a whole and enhance our ability to serve refugee applicants worldwide. USCIS believes that the recommendations outlined in the report seek to achieve this goal as well as the overall mission of USCIS to process immigration benefits with efficiency, transparency, and integrity. The following provides a brief summary of each recommendation and the USCIS response. Minor technical corrections can be found in Appendix A.

**Recommendation 1:** Present on the USCIS website and to stakeholder groups the criteria by which it expedites certain emergent refugee cases and how to access that process.

**USCIS Response:** USCIS concurs with this recommendation and has already begun working with the Department of State (DOS) to implement it.

**Recommendation 2a:** Identify with particularity potentially adverse determinations arising during the interview to enable the applicant to address, at that time, any potential grounds for denial.

**USCIS Response:** USCIS partially concurs with this recommendation.

**Recommendation 2b:** Articulate in the "Notice of Ineligibility for Resettlement" clear and case-specific information regarding the grounds for denial.

**USCIS Response:** USCIS partially concurs with this recommendation.

**Recommendation 3a:** Provide a tip sheet on relevant supporting documents with the "Notice of Ineligibility for Resettlement" outlining the information applicants could include.



Response to Recommendation 44  
Page 2

USCIS Response: USCIS concurs with this recommendation and has already begun working with the DOS to implement it.

Recommendation 3b: Publish mailing address(es) for "Requests for Reconsideration."

USCIS Response: USCIS concurs with this recommendation and has already begun working with the DOS to implement it.

Recommendation 4: Acknowledge receipt of each "Request for Reconsideration" submitted.

USCIS Response: USCIS concurs with this recommendation and will develop a mechanism to implement it.

USCIS Response to Recommendations

Although the Ombudsman's report focuses primarily on refugee applicants from Iraq, USCIS has considered each recommendation in the context of the USRAP as a whole, a program that admitted more than 74,000 refugees representing 69 nations last fiscal year.

**1. Present on the USCIS website and to stakeholder groups the criteria by which it expedites certain emergent refugee cases and how to access that process.**

USCIS Response: USCIS concurs with the Ombudsman's recommendation and will update our website to provide information to the public on how to request expedited processing for a pending refugee case. USCIS has already contacted our program partners to begin developing the necessary information, which will advise refugee applicants seeking to have their case expedited to contact either (1) the United Nations High Commissioner for Refugees (UNHCR), if they have not yet received a referral to the USRAP, or (2) the Overseas Processing Entity (OPE), if their case has already been referred to the USRAP for resettlement consideration. The OPE is in the best position to assess which program partner has the ability and authority to expedite a given case and to contact that partner, depending on which steps in the process remain outstanding. USCIS will also include on our website examples of the exceptional circumstances that might warrant expedited processing, such as cases where an applicant is facing imminent harm in the country of asylum, is at risk of *refoulement*, or has a serious medical condition that cannot be treated locally.

Discussion: USCIS communicates and works cooperatively with our program partners to expedite<sup>1</sup> especially vulnerable cases, within the authority and capacity of each entity. Because the USRAP involves multiple entities which are responsible for different parts of the resettlement process, USCIS cannot establish criteria on our own for expediting urgent refugee cases, but rather must coordinate closely with program partners. Depending on where a case is in the resettlement process, a different entity will take the lead in attempting to expedite a case.

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<sup>1</sup> Note that in some situations, expediting a case is outside the control of DOS, UNHCR, or USCIS. For example, some required security checks are conducted by other agencies, and while the USRAP can request that these agencies expedite the checks, DOS and USCIS cannot compel these agencies to complete their screening within a certain timeframe. Furthermore, by statute, certain medical conditions such as tuberculosis require that treatment be completed prior to travel.

Response to Recommendation 44  
Page 3

The primary USRAP program partners involved in the overseas resettlement process are the UNHCR, DOS's Bureau of Population, Refugees, and Migration (PRM), and organizations under cooperative agreements with PRM known as OPEs. DOS has overall management responsibility for coordinating USRAP activities, including identifying the groups of applicants who are qualified for resettlement consideration, and USCIS has the critical role of interviewing refugee applicants to determine whether they are eligible for refugee status.

Given that all refugee applicants seeking resettlement face risks and hardships, the USRAP operates under the philosophy that all applicants should be processed as expeditiously as possible. The program recognizes that expediting certain cases may result in delays for other applicants in the processing queue as processing capacity of all program partners overseas is finite. Thus, the decision to expedite any particular application over another is based on an assessment of case-specific factors and a general assessment that the applicant (or his or her accompanying family members) is qualitatively more vulnerable than other refugee applicants who also face hardships. Cases deemed to warrant accelerated processing typically involve extraordinary circumstances, including, for example, where an applicant faces imminent harm in the country of asylum, is at risk of *refoulement*, or has a serious medical condition that cannot be treated locally.

The identification of cases in need of expedited processing is generally done by the USRAP program partners themselves, including UNHCR, the OPE, or a Refugee Coordinator or other DOS official. In some instances, a USCIS officer may learn during the refugee interview that an applicant is in a situation that requires immediate attention. The interviewing officer will notify UNHCR<sup>2</sup> or the OPE to have the case expedited, with consideration given to any additional security or protection requirements. Because the USRAP program partners have a comprehensive view of the full refugee caseload within a region, they are well-equipped to assess the need to expedite the most vulnerable individuals.

Given that the majority of refugee applicants encountered in the USRAP generally do not obtain legal representation or assistance from advocates, it is critical that USRAP program partners continue the practice of actively identifying individuals facing extraordinary protection or medical needs. At the same time, we agree that there should be a clear mechanism for applicants or their representatives to notify the USRAP directly if they have such concerns.

**2A. Identify with particularity potentially adverse determinations arising during the interview to enable the applicant to address, at that time, any potential grounds for denial.**

USCIS Response: USCIS partially concurs with the Ombudsman's recommendation to notify the applicant of any ineligibility identified during the interview. USCIS officers are trained to gather testimony and facts carefully to support their analysis of the applicant's eligibility and to provide applicants with an opportunity to clarify, correct, or provide explanations for inconsistencies or issues of concern. USCIS is committed to ensuring that this practice occurs through ongoing

<sup>2</sup> If a case is particularly urgent, UNHCR may choose to refer the applicant to another resettlement country that is better equipped to handle urgent requests, such as countries that accept refugee cases on a dossier basis.

Response to Recommendation 44  
Page 4

training as well as supervisory and quality assurance reviews. However, given that there may be security issues or additional case review needed in order to finalize a refugee case decision, notifying each applicant of all possible ineligibilities during the interview may not be possible or appropriate in every case.

Discussion: USCIS officers are trained to carefully gather testimony and facts to support their analysis regarding the applicant's eligibility and to provide applicants with an opportunity to clarify, correct, or provide explanations for inconsistencies or issues of concern. In cases that present credibility issues, for example, the Refugee Officer Training Course (ROTC) instructs officers that they are required at the time of interview to advise applicants of any credibility concerns that arise and provide applicants an opportunity to explain any inconsistency, implausibility, or lack of detail that is identified. This practice has been standard since the creation of a formal training regime for refugee adjudicators in 2001. ROTC lesson plans also instruct officers to take into account age, culture, language, prolonged discrimination or harm, and a host of other factors that may affect an applicant's ability to testify or have bearing on a credibility determination. Once the officer has addressed the issue and given the applicant an opportunity to explain any discrepancies, the applicant's response is recorded in the interview notes and taken into account in the officer's decision.

As part of their required pre-departure training, all officers deployed on refugee processing circuit rides are reminded of the procedures for addressing credibility issues and their duty to elicit all relevant information from the applicant. In addition, in January 2010, the Refugee Affairs Division (RAD) provided all Refugee Officers with formal refresher training on credibility and eliciting testimony. The training reiterated the importance of providing applicants an opportunity to explain any discrepancies or credibility issues identified. Officers were also reminded that not only must they provide applicants with an opportunity to address such concerns, but they must also document it fully in their notes, and – absent adequate documentation – reinterview the applicant when warranted.

In addition, in Fiscal Year 2009, USCIS piloted a new quality assurance (QA) program for refugee adjudications, including the review of a statistically valid sample of refugee cases. Once finalized and fully implemented, this QA program will provide USCIS with a quantitative measure over time to determine whether refugee applicants are being given appropriate notice of potentially adverse decisions during their interviews.

It is important to note, however, that USCIS officers do not issue final decision notices at the conclusion of the interview, nor is the applicant informed of the officer's recommended decision at that time. There are a number of reasons for this including 1) the need to finalize security checks in many cases, which might reveal additional grounds of ineligibility, 2) the need to conduct supervisory review of all refugee case decisions, and 3) given the complexity of refugee adjudications, the need to conduct further research or higher-level review by USCIS headquarters.

Response to Recommendation 44  
Page 5

**2B. Articulate in the "Notice of Ineligibility for Resettlement" clear and case-specific information regarding the grounds for denial.**

**USCIS Response:** USCIS partially concurs with the Ombudsman's recommendation. Based on previous feedback received from stakeholders, USCIS issued a new Notice of Ineligibility for Resettlement, in October 2009 that, while maintaining a checkbox format, provides more detailed information regarding the reasons an applicant has been found ineligible. USCIS believes the revised Notice achieves the Ombudsman's goal to provide clear and transparent information to refugee applicants and stakeholders on case decisions while ensuring that USCIS can maintain quality control and processing efficiencies. USCIS will assess the efficacy of the revised Notice throughout the year and will reconsider the Ombudsman's recommendation after the assessment is complete.

**Discussion:** USCIS is committed to providing refugee applicants with clear information on the reasons they were found ineligible for refugee resettlement. To this end, USCIS revised its Notice of Ineligibility in October 2009 by providing greater detail regarding the specific reasons for denial. For example, the information in the "Credibility" section of the Notice has been expanded to include the reasons the applicant was found not credible, including which eligibility requirements, as outlined under INA Section 207, were implicated by the finding. The Notice also includes a section to record how the credibility issues were identified (e.g., internal inconsistencies in the applicant's testimony). We believe that the new Notice is an improvement over the previous notice, as it provides more detailed information to denied refugee applicants, while maintaining an efficient and consistent format for reporting the reasons for denials.

USCIS has requested and welcomes feedback from refugee applicants and stakeholders on the new Notice of Ineligibility for Resettlement. In addition, we plan to undertake a QA review of Requests for Review (RFRs) received before and after issuance of the new Notice by the end of Fiscal Year 2010. As part of this review, USCIS will evaluate whether applicants were better able to address the specific grounds of denial in their RFRs based on the information contained in the newly designed Notice. After considering stakeholder feedback as well as the results of the QA study, USCIS will assess whether additional changes should be made to the Notice of Ineligibility for Resettlement in Fiscal Year 2011.

**3A. Providing a tip sheet on relevant supporting documents with the "Notice of Ineligibility for Resettlement" outlining the information applicants could include.**

**USCIS Response:** USCIS concurs with this recommendation and expects to issue a standardized "tip sheet" on RFRs that will be distributed with the Notice by the fourth quarter of Fiscal Year 2010. This "tip sheet" will also be posted to the USCIS.gov Internet website.

**Discussion:** As noted in the recommendation, some OPEs have created their own cover sheets to provide information to denied refugee applicants regarding the RFR process. USCIS is currently working with DOS to standardize a "tip sheet" that will be provided to all denied refugee applicants explaining the RFR process, how to write and submit an RFR, and what to expect from the review.

Response to Recommendation 44  
Page 6

In addition to the general recommendation to develop an RFR information sheet, the report specifically suggests that the tip sheet list the types of documentary evidence USCIS considers pertinent to RFR decision-making. A list of these pertinent documents is included in Figure 2 (page 12). USCIS notes, however, that in the refugee context, applicants may not be required to submit documents where they do not exist or cannot reasonably be obtained, and credible testimony alone may be sufficient to establish eligibility for classification as a refugee. Thus, inclusion of such exemplars on the tip sheet may suggest to applicants that they *must* provide such documents in order to be approved, which would be erroneous. If a specific document is needed to corroborate a claim, USCIS officers will issue the applicant a deferral notice requesting that document.

**3B. Publish mailing address(es) for "Request for Reconsideration."**

USCIS Response: USCIS agrees that mailing and/or email addresses for submitting RFRs should be published. The appropriate mailing address will be included as a customized field in the forthcoming tip sheet and on the USCIS website.<sup>3</sup>

**4. Acknowledge receipt of each Request for Reconsideration submitted.**

USCIS Response: USCIS agrees that applicants should be provided with an acknowledgement of receipt of their RFRs.

Discussion: USCIS is developing a case management system to track overseas adjudications, including RFRs, and the capability to generate notices of receipt will be included in the system. The receipt notices will also include an estimated timeframe for processing of the RFR. As part of this development, USCIS will coordinate with DOS to establish location-specific protocols for receiving RFRs and updating the case management system to ensure receipt notices are produced consistently and efficiently. In addition, the process for providing applicants with a receipt notice either in person, through standard mail, or via electronic mail will be considered.

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<sup>3</sup> In that Figure 3 illustrates only locations where the bulk of refugees interviewed are Iraqi nationals, USCIS notes two additions: (1) RFRs from Algeria, Bahrain, Egypt, Iraq, Jordan, Libya, Morocco, Oman, Saudi Arabia, Tunisia and Qatar may also be sent to the OPE, the International Organization for Migration, in Amman, Jordan. (2) RFRs from Turkey should be sent to the Athens, Greece field office.



Response to Recommendation 44  
Page 7

Appendix A: Technical Corrections

USCIS would like to clarify the following items in the report:

- Executive Summary, second paragraph: 74,654 is the total number of refugees admitted to the U.S. in Fiscal Year 2009, not the number approved.
- Footnote 4: USCIS does not “admit” refugees to the United States. The authority to admit refugees is delegated to U.S. Customs and Border Protection. Further, 18,833 Iraqi refugees were admitted to the United States in Fiscal Year 2009, while USCIS approved 20,587 Iraqi refugee applicants throughout the fiscal year.
- Footnote 14: The majority of Afghans have not fled to Jordan and Syria.
- Footnote 16: One out four refugees under UNHCR’s mandate – 2.8 million – is from Afghanistan. Afghans are the second largest group of refugees in the world, and Iraqis are the third largest group of refugees. Palestinians are the largest group of refugees in the world at 4.7 million.
- Footnote 21: PRM supervises all refugee processing activities conducted by OPEs and the initial resettlement period in the United States through cooperative agreements with voluntary agencies that provide initial housing and other support. The Department of Health and Human Services Office of Refugee Resettlement funds longer-term support for refugee arrivals.
- Footnote 24: This footnote states that USCIS’s Notice of Ineligibility for Refugee Resettlement “is not a formal denial letter,” unlike denial letters issued to applicants and petitioners filing for other immigration benefits. However, the Notice of Ineligibility is an official agency denial, indicating that the applicant has been denied classification as a refugee.
- Pages 10-11 and Footnote 53: The Asylum Procedures Manual does not discuss a mechanism for release of Asylum Officer interview notes in the affirmative asylum context, as suggested by citing the procedures manual in the footnote. In addition, interview notes are not routinely released to applicants. Notes from an affirmative asylum interview are considered part of the officer work product and are generally not released to applicants or their representatives, although there have been occasions when they have been provided as part of a Freedom of Information Act request. Officer notes may be released during court proceedings as part of the defensive asylum process if they have been introduced as evidence.
- USCIS notes that the “Expedite Criteria” listed in Figure 1 (page 10) do not accurately reflect the actual factors USCIS takes into account in considering whether to expedite a refugee case. These criteria have not been formally established by DOS or USCIS in any publication or guidance, and the Ombudsman’s office did not validate them with USCIS after the referenced “discussions” with PRM.
- USCIS would like to clarify that the acronym “RFR” represents “Request for Review” not “Request for Reconsideration” as is listed in the report.